

REMARKS

Claims 1-14 are pending in this application. No amendment is proposed in this response.

Claims 11-14 are objected to under 37 CFR 1.75(c) (Office action point I).

The Examiner objects to the claims, stating that these multiple dependent claims do not refer to the other claims in the alternative only. However, Applicants respectfully submit that claims 11-14 **do** refer to the other claims in the alternative only. The wording of claims 11-14 is consistent with MPEP 608.01(n)(I)(A), third example of acceptable multiple dependent claim wording (page 600-72).

Reconsideration of the objection is therefore respectfully requested.

The rejection of claims 1-7 under 35 U.S.C. 103(a) is maintained. New claims 8-14 are also rejected (Office action point II).

Reconsideration of the rejection is respectfully requested.

In response to Applicants' arguments, the Examiner now states: "The reference [Fujisawa] does not specifically teach that the composition has a pesticide (herbicide). However, Fujisawa does suggest that other ingredients such as herbicides and carriers can be added to the acid ester."

In response, Applicants note that it is described in the cited reference that if desired, the plant growth regulator can be incorporated with a herbicide or a bacteriocide and so on (please see page 5, lines 41-47 of EP 0888715). However, Applicants submit that in the cited reference, the addition of a herbicide or bacteriocide is only in order to add herbicidal or bactericidal effect to the plant

growth regulator composition. The cited reference does not teach any enhancement of pharmacological actions (for example, herbicidal or bactericidal effect) of other pesticides by jasmonic acid or its derivatives, and therefore does not suggest the effects demonstrated by the present invention.

The Examiner has stated that “applicant ... does not provide synergistic data” regarding the enhancement of pharmacologic action. However, Applicants submit that data clearly showing the synergistic effect of the combination of the present invention appear in the Test Examples 3-5 of the present specification.

It is noted that the synergistic effect of the present invention does not mean, for example, that the synergistic herbicidal effect can be obtained by using herbicide A in combination with herbicide B. The synergistic effect of the present invention means, for example, that jasmonic acid or its derivative, **which does not have herbicidal or bactericidal effect**, raises the herbicidal or bactericidal effect **of the pesticide** by using jasmonic acid or its derivative in combination with the pesticide.

Applicants therefore submit that they have demonstrated unexpected effects resulting from the claimed combination and that claims 1-14 are novel and non-obvious over Fujisawa et al. (EP 0888715). Again, reconsideration of the rejection of claims 1-14 is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Response under 37 CFR 1.116
Naoyo TAKAHASHI et al.

U.S. Patent Application Serial No. 09/926,064
Attorney Docket No. 011047

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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